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SUBJECT: NETHERLANDS: 2004 ANNUAL TERRORISM REPORT

REF: (A) STATE 245841 (B) THE HAGUE 3044 (C) THE HAGUE 3025

(D) THE HAGUE 2995 (E) THE HAGUE 2929 (F) THE HAGUE 2864 (G)  
THE HAGUE 2308 (H) THE HAGUE 1595

11. The 2004 terrorism report for the Netherlands follows.  
Responses are keyed as much as possible to reftel A's  
requirements.

1A. SUPPORT TO GLOBAL COALITION AGAINST TERRORISM  
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12. The Dutch have responded to the global terrorist threat with leadership and energy in the areas of border and shipping security, terrorist financing, and Alliance efforts in Afghanistan and Iraq. In 2004, the Netherlands took over leadership of a Provincial Reconstruction Team (PRT) in Baghlan province, Afghanistan as part of the NATO ISAF Mission. In addition, the Netherlands contributed six F-16s fighters and a K/DC-10 tanker/transport aircraft to provide air support during the Afghan presidential election as well as a frigate to participate in Operation Enduring Freedom. Dutch reconstruction and humanitarian assistance to Afghanistan in 2004 totaled 51.3 million euros. The Netherlands provided naval assets to the NATO-led naval antiterrorism campaign, Operation Active Endeavor, in the Mediterranean. The Dutch have approximately 1,400 personnel in Iraq, which are due to remain until March 2005. In addition, the Dutch have committed to providing personnel for the NATO Training Mission in Iraq. The Dutch have pledged 21 million euros for Iraqi reconstruction.

1B. BILATERAL COOPERATION  
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13. The Government made CT a priority issue for its EU presidency during the second half of 2004. Many high level meetings on CT and law enforcement issues occurred during Dutch presidency. At the invitation of the Dutch, DHS Sec. Ridge met with the US/EU JHA Troika in mid September to highlight US/EU cooperation on CT issues, and Attorney General Ashcroft and Homeland Security Under Secretary Hutchinson attended the informal Justice and Home Affairs (JHA) Ministerial in The Hague on September 29/30. The Dutch also invited US participation in EU meetings on biometrics and terrorist financing. In 2004, the Netherlands continued its commitment to shipping and port security by increasing cooperation with the United States. Under the DOE Megaport/Second Line of Defense Initiative, four radiological monitors (provided by DOE) became operational in the port of Rotterdam in Feb. 2004. An estimated 31 additional monitors (funded by the Dutch) will be installed by the end of 2006. Improved CSI targeting and operations at the port resulted from bilateral discussions. The Dutch Port Security Act became effective on July 9, 2004, complying with the IMO's ISPS Code, and all Dutch seaports have security plans as required by the ISPS. In July 2004, the Government approved an experiment with air marshals on certain KLM and Martinair flights. The Dutch also permitted U.S. CBP Immigration Liaison Officers to return to Schiphol airport to assist with US-bound passenger screening (the program is now known as the Immigration Assistance Program).

14. The Netherlands has signed and ratified all 12 international conventions and protocols relating to terrorism.

1C. LAW ENFORCEMENT  
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15. In June 2004, the Dutch for the first time successfully convicted two individuals of terrorist activity (ref H). The Hague Appeal Court reversed the December 2002 Rotterdam lower court's acquittal of Jerome Courtailler and Abedelghani Rabia, suspected of plotting to bomb the U.S. Embassy in Paris, and sentenced them to six and four-year jail terms, respectively. The appeal court convicted them for their involvement in an international criminal organization that was planning an attack, and for their role in trading forged passports. The appeals court ruled that information by the AIVD intelligence service served as a good base for starting criminal investigations, thereby allowing use of intelligence of the General Intelligence and Security Service (AIVD) as evidence. Meanwhile, Justice Minister Donner submitted legislation codifying the court's

ruling to allow the use of intelligence information in criminal proceedings. The bill is still awaiting parliamentary action.

16. Dutch officials remain committed to establishing financial protocols to combat terrorism and have cooperated with the United States in freezing the assets of known terrorist organizations. Using national authority to identify, freeze and seize terrorist finance assets, the Dutch blocked the accounts and financial transactions of a HAMAS fundraiser, the al-Aqsa Foundation, and al-Qaida-affiliated Benevolence International Nederland. In July 2004, the Netherlands froze all financial assets of the Dutch branch of Al-Haramain. Although neither the Dutch nor their EU partners have designated Lebanese Hizballah as a terrorist group, Dutch Foreign Affairs Minister Bot informed the Second Chamber on November 11 of the Dutch Government's intention to support a EU designation of Hizballah. The Dutch Financial Expertise Center (FEC) announced in November a selection of 3,500 religious foundations, both Christian and Islamic, was being screened for possible financial ties with terrorist networks.

#### 1D. EXTRADITIONS

17. On November 8, 2004, the Supreme Court denied extradition to Turkey of PKK official Nuriye Kesbir, because of insufficient guarantees about her safety. Minister Donner decided to appeal to the verdict.

#### 1E. LAW ENFORCEMENT CAPABILITIES

18. Law enforcement authorities have the authority to intercept wire, oral and electronic communications. They can initiate surveillance and investigation of suspected terrorists or their facilitators. Intelligence information can be used in courts (see para 5).

#### 1F. TERRORIST INCIDENT

19. On November 3, the Netherlands was rocked by the murder of prominent Dutch film director Theo van Gogh by Dutch Moroccan Mohammed Bouyeri. Letters pinned to Van Gogh's dead body confirmed the assassin had acted out of radical Islamic convictions and, in coordination with others, planned similar attacks on two politicians and other "enemies" of Islam. Immediately following the assassin's arrest, about a dozen other Islamic radicals were arrested. Bouyeri has been linked to the fundamentalist Takfir Wal Hijra group. Another member of this group appears to be a Syrian, known as Abu Khaled, who reportedly is being sought by Dutch authorities, who believe he played a crucial role in the murder of Van Gogh, threats made against a Dutch MP, and preparations for attacks on the Second Chamber, Schiphol Airport and the Borssele nuclear plant. 18 year-old Amsterdammer Samir Azzouz was arrested in June 2004 as a suspect in those possible attacks. His arrest was the reason for a major state of alarm in the Netherlands. Abu Khaled reportedly had been Koran teacher of the group of radicals, in which Mohammed Bouyeri and Azzouz participated.

110. There were no international terrorist attacks in the Netherlands in 2004.

#### 1G. DUTCH COUNTERTERRORISM EFFORTS

111. The following counter-terrorism legislation was enacted/proposed in 2004:

- The Act on Terrorist Crimes, implementing the 2002 EU framework decision on combating terrorism, became effective in August 2004. The Act makes recruitment for the Jihad and conspiracy with the aim of committing a serious terrorist crime separate criminal offenses. The maximum prison sentences for crimes such as homicide, gross maltreatment, hijacking or kidnapping will be higher if committed with a "terrorist purpose."

- On December 7, the Government approved a bill submitted by the Justice and Foreign Affairs Ministers banning organizations appearing on the EU terror list. The Cabinet also wants to penalize participation in these organizations' activities. The ban will apply to organizations such as PKK, Hamas, Al-Aqsa Netherlands, Al-Takfir and the New Peoples Army. The ban doesn't mean the terror organization must be dissolved, but continuation of its activities within the country could be penalized with a one-year prison term. The bill also makes it possible to act against foreign organizations not appearing on the EU terror list, but whose activities are considered illegal in the Netherlands. A civil court makes the determination at the request of a public prosecutor. The sanction is also a one-year prison term. Under current legislation, only bank accounts of organizations on the EU terror list can be frozen. The bill has been submitted to the Second Chamber for consideration

- In September 2004, Justice Minister Donner and Interior Minister Remkes submitted a plan to Parliament streamlining Dutch CT policies (ref G). The plan, drawn up by CT Coordinator Joustra, establishes an office of the National CT Coordinator (NCTb) by January 1, 2005, under the joint authority of the two Ministers. Under the plan, the Justice Minister has been given primary responsibility in handling situations of "acute" threat, while the Interior Minister will be in charge of crisis control operations. Further legislative proposals include lowering the threshold for granting use of special investigation methods, such as phone taps, infiltration and surveillance, extended custody of suspects, increased opportunities for preventive search of persons, cars and packages, and expanded power for prosecutors to request data from private organizations. On November 11, Minister Donner circulated a proposed bill implementing Joustra's plan to various organizations for their review.

- In the aftermath of the Van Gogh murder, the Cabinet proposed additional CT measures, which received wide parliamentary support on November 11 (ref B). They include:

- doubling AIVD's budget;
- having the AIVD intelligence service share its information more widely;
- providing more resources to protect public persons and property;
- setting up a special terrorism unit within the National Crime Squad;
- expanding the circle of people under surveillance;
- requesting the court to ban and dissolve mosques acting contrary to the public order; and
- improving employment and anti-discrimination programs for young Muslims.

- On November 26, the Government adopted a proposal by Immigration Minister Verdonk enabling authorities to rescind the Dutch nationality of individuals possessing dual nationality who pose a threat to the vital interests of the State. The proposal was sent to the Council of State for recommendation, after which it will be submitted to the Second Chamber of Parliament.

- During a Second Chamber CT debate on December 8, Interior Minister Remkes and Justice Minister Donner promised tougher measures on the approximately 10 to 25 radical mosques in the Netherlands. Remkes told Parliament if the mosques could not be prosecuted on criminal charges, other options, such as stopping their state subsidy or expelling Imams, would be used. He noted the Cabinet would not tolerate sermons identifying the West as the big enemy of Islam and in which the authority of the Dutch government was questioned. The Second Chamber asked the Government to take action against Muslim websites which provoke hatred. According to the Chamber, the AIVD intelligence service should cooperate with other countries, "including the U.S." to close such sites. The Cabinet considered setting up a national notification point for hate mails. Remkes also said the AIVD would be given more authority to counter violence, for instance by preventing actions through infiltration. After a Chamber majority demanded the results of the government's fight against terrorism, Donner and Remkes promised a survey of all CT measures.

#### 1H. NEW CT ORGANIZATION

112. As stated above, the Government proposed to merge the CT activities of the Justice and Interior Ministries into one organization, the NCTb, led by the National CT Coordinator (currently Tjibbe Joustra). In addition to its main task of preventing terrorist attacks, the NCTb will also act as "process director" in areas indirectly related to CT, such as critical infrastructure protection and alerting projects, and in areas where other departments have primary responsibility, such as terrorist financing and NBC terrorism. An expertise and analysis center will be created within the NCTb, in which the AIVD (general) and MIVD (military) intelligence services, the Immigration and Naturalization Service (IND), the Kmar military police, the fiscal and economic control services (FIOD/ECD), Customs and Foreign Affairs will participate. The NCTb, which should be operational in early 2005, will also be responsible for communicating information to the public. A color-coded alerting system is being developed and expected to be in place in 2005.

#### 1K. GOVERNMENTAL ATTITUDE

113. The attack on Van Gogh has had an enormous impact on the Netherlands, particularly because of the irreversible conclusion that some individuals in Dutch society have become extremely radicalized, and the implications this has on the interrelationships between different groups of the population. The murder has forced the Government to face the reality the Dutch tradition of tolerance does not make society immune from Islamic extremist violence. The events

have prompted the Government to announce additional measures to combat radicalization (Ref E and F).

#### L. CONSTRAINTS ON CT PERFORMANCE

14. An important impediment to Dutch CT operation is the cumbersome bureaucratic structure, particularly overlap and ambiguity between the Justice and Interior Ministry. This was recently illustrated in a critical report about the AIVD's functioning (ref D). The report particularly highlighted AIVD's reluctance to share information either with domestic or international partners. Operations are expected to improve, however, through increased resources and the establishment of the national CT bureau (NCTb).

#### M. SUPPORT FOR TERROR

15. The Dutch Government does not support any terrorist groups, neither financially nor politically. A number of foreign political groups, including Kurdish (PKK/KADEK), Filipino (New People's Army), Sri Lankan (LTTE/Tamil Tigers) and Sikh organizations have established offices in the Netherlands, but they are monitored by the police and intelligence services and tolerated as long as they do not commit terrorist acts or other crimes in the Netherlands. On November 12, 2004, the National Crime Squad raided a camping farm suspected of housing a PKK training center (ref C) arresting more than 20 persons. The PKK, now called Kongre-Gel, is not banned in the Netherlands, although it has been put on the EU list of terrorist organizations.

#### N. PUBLIC STATEMENTS IN SUPPORT OF TERRORISM

16. The Dutch Government has issued no public statements in support of a terrorist-supporting country on terrorism issues.

#### O. TERRORIST ACTIVITY

17. The AIVD intelligence service repeatedly warned about an ongoing radicalization process among Muslims in the Netherlands and the threat of terrorism. The national CT coordinator has set up a national data system, the "Contra Terrorism Infobox (CTI), containing information on a core group of about 170 radical Muslims who have been put under 24-hour surveillance. Although Van Gogh's assassin Mohammed Bouyeri did not belong to this core group, he was related to the so-called Hofstad group, a network of individuals mainly residing in Amsterdam. Samir Azzouz (see para 9 above) was part of this network. The Dutch press reported in September confidential AIVD information about the group had been

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leaked to a suspect. The national criminal investigation service is still investigating the case, in which an AIVD employee was arrested. The press also reported the Spanish police was investigating possible ties between Bouyeri and the radical Muslim group suspected of preparing new attacks in Madrid. The link appeared to be the fundamentalist Takfir wal Hijra movement. On November 10, The Hague police arrested two other members of the "Hofstad" group, Jason W. and Ismail A., on suspicion of planning attacks on two parliamentarians, Amsterdam Mayor Cohen and Amsterdam Alderman Aboutaleb. The National Prosecutor's Office in Rotterdam reported on December 3, 2004, that 12 people were being detained on suspicion of belonging to a terrorist organization, including six of Bouyeri's co-suspects.

#### SOBEL